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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOEL CIRILO SOSA HERNANDEZ
Defendant.

Case No. CR 11-00436-MRW-002

**DEFENDANT JOEL CIRILO
SOSA HERNADEZ' OPPOSITION
TO GOVERNMENT'S MOTION
IN LIMINE TO PRECLUDE A
GOOD FAITH DEFENSE;
MEMORANDUM OF POINTS &
AUTHORITIES IN SUPPORT
THEREOF**

Defendant Joel Cirilo Sosa Hernandez, by and through his counsel of record George L. Steele, hereby submits his Opposition to the Government's Motion In Limine to Preclude a Good Faith Defense.

Dated: December 1, 2011

By: /s/
George L. Steele
Attorney for Defendant
JOEL CIRILO SOSA HERNANDEZ

**DEFENDANT'S OPPOSITION TO
GOVERNMENT'S MOTION IN LIMINE**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 A good faith defense is available to an individual that establishes it has
3 complied in good faith with the statute. 8 U.S.C. § 1324a(3). An individual is
4 considered to have complied with the statute if there was a good faith attempt to
5 comply. 8 U.S.C. § 1324a(6)(A). Individuals can use a good faith defense even if
6 there are technical or procedural defects that would otherwise render them
7 noncompliant with the statute. *Id.*

8 The statute upon which he is charged avails Mr. Sosa a good faith defense if
9 there is a good faith attempt at compliance. The Government has made a Motion in
10 Limine to preclude Mr. Sosa from using this good faith defense. The Government
11 correctly states that the statutes says a good faith defense is not available to an
12 individual that engages in a “pattern or practice” of hiring in violation of 8 U.S.C. §
13 1324a. However, in order for the Government to successfully preclude the good
14 faith defense from Mr. Sosa on this ground, the Government must first show, and
15 prove, that Mr. Sosa engaged in a pattern or practice of hiring. Because the trial has
16 yet to begin, and the Government has yet to proven anything, the Government cannot
17 show this “pattern or practice.” Thus, preclusion of the good faith defense on this
18 ground would be inappropriate.

19 In its motion, the Government makes many factual allegations, as if true and
20 already proven, in order to show why Mr. Sosa does not have a good faith defense.
21 Mr. Sosa has numerous facts to counter the Government’s points, but a motion in
22 limine is not the appropriate arena for this sort of argument. Because both sides have
23 competing facts, there are clearly factual issues here that would be better left to a
24 jury to decide. At trial, the Government can present evidence that it believes could
25 persuade a juror that Mr. Sosa does not have a good faith defense. But by moving to
26 preclude this defense before trial, the Government is essentially attempting to have
27 this Court find the facts, instead of allowing a jurors to hear and find the facts for
28 themselves.

**DEFENDANT’S OPPOSITION TO
GOVERNMENT’S MOTION IN LIMINE**

1 Because the Government has yet to prove that Mr. Sosa engaged in a “pattern
2 or practice,” and because there are numerous factual issues regarding this, this Court
3 should deny the Government’s Motion in Limine to Preclude Good Faith Defense
4 and allow Mr. Sosa to use a good faith defense during his trial if he feels it necessary.

5 Dated: December 1, 2011

6 By: /s/
7 George L. Steele
8 Attorney for Defendant
9 JOEL CIRILO SOSA HERNANDEZ

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PROOF OF SERVICE

I, the undersigned, declare that I am a resident or employed in Los Angeles County, California; that my business address is 127 N. Madison Ave., Suite 24, Pasadena, CA 91101; that I am over the age of 18 years; that I am not a party to the above-entitled action; that I am member of the Bar of the United States District Court for the Central District of California, and I served **DEFENDANT JOEL CIRILO SOSA HERNADEZ' OPPOSITION TO GOVERNMENT'S MOTION IN LIMINE TO PRECLUDE A GOOD FAITH DEFENSE; MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT THEREOF.**

On December 1, 2011, following ordinary business practice, service was completed:

(VIA ELECTRONIC SERVICE) I caused the foregoing document to be served electronically on all counsel following CM/ECF filing with the Court.

This proof of service is executed at Pasadena, California, on December 1, 2011.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

George L. Steele

/s/ George L. Steele